IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 7831 of 2005

Between:

K.Polaiah, s/o China Polaiah,
(Now under suspension) Bogole Mandal, Nellore District.

..... PETITIONER

AND

1 The Joint Collector, Nellore District, Nellore.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Bogole Mandal, Bogolu, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more in the nature of mandamus or any other appropriate writ declaring the proceedings in Rc.J.1424/205, dated 05-03-2005 of the 2nd respondent in suspending the authorization of the petitioner as a Fair Price Shop Dealer of Kotha Bangarupalem Village, Bogolu Mandal, Nellore District as illegal, arbitrary, contrary to the principles of natural justice and Clause 5(4) of the Control Order, 2001 and without any authority and consequentially to set aside the same and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of this case.

Counsel for the Petitioner: MR.K.ANANDA RAO

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

The grievance of the petitioner is that the appointing authority, having issued show cause notice, without waiting for the reply to be submitted by the petitioner, passed the impugned proceedings keeping his authorization as a Fair Price Shop dealer under suspension, pending enquiry.

However, the grievance of the petitioner is that an appeal has been preferred and the same is pending; and along with the said appeal, he filed an application seeking interim stay of the order passed by the appointing authority, but the same was not considered so far. Hence the present writ petition.

As already noticed, the appointing authority, obviously passed the order of suspension even before the completion of the period granted to the petitioner to submit his explanation.

Having regard to the facts and circumstances of the case, the order of suspension, dated 5.3.2005 passed by the second respondent shall remain suspended pending disposal of the appeal.

With the above directions, the writ petition is disposed of at the stage of admission. No costs.

08-04-2005

Note:

Operative portion of the

Order may be given on

Wire at party's cost.

B/0 ***KVSN***

To

1 The Joint Collector, Nellore District, Nellore.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Bogole Mandal, Bogolu, Nellore District.

4 Two CCs to GP for Civil Supplies, High Court buildings, Hyderabad.

5 Two CD copies.